



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|----------------------------------|---|-------------------------|
| In re Application of: |) | Atty. Docket: WALLACH34 |
| David WALLACH et al. |) | Conf. No.: 3237 |
| |) | |
| IA No.: PCT/IL04/01095 |) | |
| |) | Washington, D.C. |
| IA Filed: November 30, 2004 |) | |
| |) | |
| U.S. Appln. No.: 10/580,542 |) | March 2, 2007 |
| |) | |
| For: METHODS AND AGENTS FOR |) | |
| IMMUNE MODULATION AND METHODS... |) | |

REQUEST FOR SMALL ENTITY STATUS ERROR TO BE EXCUSED

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

In the present application, status as a small entity was established in good faith and fees as a small entity were paid in good faith. It has recently been discovered that such status as a small entity was established in error. Pursuant to 37 C.F.R. §1.28(c), it is requested that this error be excused as the present communication is in compliance with the separate submission and itemization requirements of paragraphs (c) (1) and (c) (2) of 37 C.F.R. §1.28.

Attached hereto is a form PTO-2038 authorizing the additional charges of \$450.00, which satisfies the deficiency payment requirement as per the following itemization.

In re of Appln. No. 10/580,542

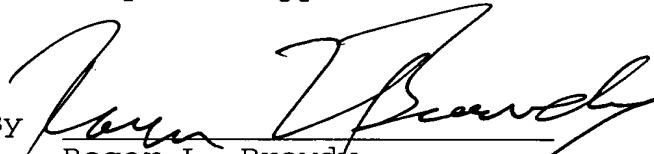
The following itemization of the total deficiency payment is provided:

| Type of Fee | Current Fee for non- small entity | Small Entity actually paid | Date of request | Deficiency owed amount |
|-------------|---|-------------------------------|--------------------|---------------------------|
| Filing fee | \$ 900.00 | \$ 450.00 | 05/26/06 | \$ 450.00 |
| Total owed: | | | | <u>\$ 450.00</u> |

As all of the requirements of 37 C.F.R. §1.28(c) have been complied with, it is requested that this deficiency payment be accepted and that the errors in small entity status previously made be excused.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By 
Roger L. Browdy
Registration No. 25,618

RLB:th

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

G:\BN\I\inl2\Wallach34\Pto\2007-3-2 RequestSmEntError.doc

INCL2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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| | | |
|---|--|-------------------------------|
| U.S. APPLICATION NUMBER NO. 10/580,542 | FIRST NAMED APPLICANT David Wallach | ATTY. DOCKET NO. WALLACH34 |
|---|--|-------------------------------|

| |
|-------------------------------|
| INTERNATIONAL APPLICATION NO. |
|-------------------------------|

PCT/IL04/01095

| | |
|--------------------------------|-----------------------------|
| I.A. FILING DATE 11/30/2004 | PRIORITY DATE 11/30/2003 |
|--------------------------------|-----------------------------|

1444
BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

CONFIRMATION NO. 3237

371 FORMALITIES LETTER



OC000000021817819

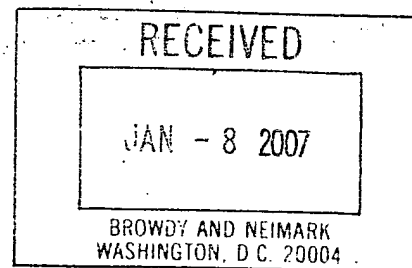
Date Mailed: 01/04/2007

msp/PRE.AND/SEQ. = 04MR2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 05/26/2006
- Copy of the International Search Report filed on 05/26/2006
- Biochemical Sequence Listing filed on 05/26/2006
- Request for Immediate Examination filed on 05/26/2006
- U.S. Basic National Fees filed on 05/26/2006
- Priority Documents filed on 05/26/2006



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$5805 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$5870** for a Small Entity:

- **\$65 Surcharge.**
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- Total additional claim fee(s) for this application is **\$ 5805**
 - **\$4600** for **46** independent claims over 3.
 - **\$1025** for **41** total claims over 20.
 - **\$180** for multiple dependent claim surcharge.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

SHELBY J VIGIL

Telephone: (703) 308-9140 EXT 224

PART 1 - ATTORNEY/APPLICANT COPY

| | | |
|-----------------------------|-------------------------------|------------------|
| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
| 10/580,542 | PCT/IL04/01095 | WALLACH34 |

FORM PCT/DO/EO/905 (371 Formalities Notice)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of:
David WALLACH et al.
Serial No. 10/580,542
IA Filing Date: November 30, 2004
For: METHODS AND AGENTS FOR IMMUNE...

Atty's Dkt: WALLACH34

) Application Division
) ATTN: PCT
) Washington, D.C.
) Confirmation No. 3237
) Date: March 2, 2007

LATE SUBMISSION OF DECLARATION AND/OR TRANSLATION IN APPLICATION FILED UNDER 35 USC 371

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, Mail Stop Missing Parts
401 Dulany Street
Alexandria, VA 22314

Sir:

The present communication is in response to the "NOTICE OF MISSING REQUIREMENTS UNDER 35 USC 371..." dated January 4, 2007. Attached hereto is/are:

- [XX] Two (2) executed oaths or declarations in compliance with 37 C.F.R. 1.63, identifying the present application by title, PCT information and priority information.
[XX] Application Data Sheet
[XX] A Preliminary Amendment
[XX] Copy of the "Sequence Listing" in computer readable form (CRF) and statement that contents of the CRF are the same as the paper copy with disk.
[XX] Additional fees as calculated below:

| | | |
|--|------------------------|------------|
| Surcharge of \$130.00 for furnishing the oath or declaration later than [] 20 [XX] 30 months from the earliest claimed priority date (37 CFR 1.492(e)). | | \$130.00 |
| Number of each additional 50 pages or fraction thereof (round up to a whole number) | RATE | |
| | X \$250.00 | |
| Number of Claims Previously Paid For | Number of Extra Claims | Rate |
| 38- 20 = | 18 | X \$ 50.00 |
| 11- 3 = | 8 | X \$200.00 |
| Multiple Dependent Claims (if applicable) | | + \$360.00 |
| TOTAL OF ABOVE CALCULATIONS | | \$2630.00 |
| Reduction of 1/2 for filing by small entity, if applicable. Applicant claims small entity status. See 37 CFR 1.27. | | <\$ > |
| SUBTOTAL | | \$2630.00 |
| Processing fee of \$130.00 for late furnishing of the English translation. | | \$ |
| TOTAL NATIONAL FEE | | \$2630.00 |

- [] Surcharge for late filing of the Declaration was paid on _____.
[] It is hereby petitioned for an extension of time in accordance with 37 C.F.R. 1.136(a). The appropriate fee required by 37 C.F.R. 1.17 is calculated as shown below:

| Small Entity | |
|-----------------------------|--------------|
| Response Filed Within | |
| [] First | - \$ 60.00 |
| [] Second | - \$ 225.00 |
| [] Third | - \$ 510.00 |
| [] Fourth | - \$ 795.00 |
| [] Fifth | - \$1,080.00 |
| month after time period set | |

| Other Than Small Entity | |
|-----------------------------|--------------|
| Response Filed Within | |
| [] First | - \$ 120.00 |
| [] Second | - \$ 450.00 |
| [] Third | - \$1,020.00 |
| [] Fourth | - \$1,590.00 |
| [] Fifth | - \$2,160.00 |
| month after time period set | |

[XX] Total fees enclosed: \$2630.00

[XX] Credit Card Payment Form, PTO-2038, authorizing payment the amount of \$2630.00 is enclosed to cover the above fees.

[XX] Conditional Petition for Extension of Time:

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

03/06/2007 LLANDGRA 00000017 10580542

01 FC:1617 130.00 OP
02 FC:1615 900.00 OP
03 FC:1614 1600.00 OP

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By:

Roger L. Browdy
Registration No. 25,618